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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,215	01/21/2004	Timothy Ford	055189-0012	2192
20572	7590	02/10/2006	EXAMINER	
GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			MAY, ROBERT J	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

cc

**Office Action Summary**

Application No.

10/762,215

Applicant(s)

FORD ET AL.

Examiner

Robert May

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-138 is/are pending in the application.
- 4a) Of the above claim(s) 33-34, 36, 38-51, 74, 76-83, 90, 96 and 110 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 84-89, 91-95, 97-109 and 111-138 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-27, 31, 35, 37, 52-59, 61-68, 70, 72 and 75 is/are rejected.
- 7) ☒ Claim(s) 11, 18, 23, 28-30, 32, 60, 69, 71 and 73 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

On Page 11 2<sup>nd</sup> paragraph of the specification the reference numbers 88 and 90 should be referred to as 80 and 82.

On Page 8, paragraph [043], 71 should be replaced by 72 because the examiner cannot find reference number 71 in the drawings.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "suction element" as recited in Claim 64 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the

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brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 18 recites the limitation "said base member" in the 1<sup>st</sup> line. There is insufficient antecedent basis for this limitation in the claim. The examiner construes this to mean "base plate" as recited in Claim 1.

Claim 23 recites the finger members for snugly fitting the light-carrying plate *there between*. The examiner construes this to mean snugly fitting the light carrying plate there between the finger members. Appropriate correction is required to make this claim clearer.

### ***Response to Arguments***

Applicant's arguments regarding Claim 1 filed 30 November 2005 have been fully considered but they are not persuasive. The applicant asserts that the reference Herrick does not disclose an anchoring element *adapted* to be anchored within a penetrable material. However, Claim 1 contains functional statements (i.e. "adapted to") which may not be regarded as limiting the claims,

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they being article claims See *In re Hutchison* 69 USPQ 138. Claim 1 recites an “anchoring element” and Herrick discloses a plurality of anchoring elements, which are anchored to the surface of the helmet by the use of fastening elements (Col 3, Lines 30-32). Therefore, the rejection of Claims 1-7, 12-13, 17, 19-20, & 24-25 under 35 U.S.C. 102(b) over Herrick as asserted in the previous office action are maintained.

Accordingly the rejection of Claims 8-10, 14, & 18 under 35 U.S.C. 103(a) over Herrick in view of Ciesiun as asserted in the previous office action are maintained.

Applicant's arguments with respect to claim 31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 52 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see remarks, filed 29 November 2005, with respect to Claim 84 have been fully considered and are persuasive. The rejection of Claims 84-85, 90 & 92 has been withdrawn in light of applicant's argument and amendment.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12-13, 17, 19-20, 24-25, are rejected under 35 U.S.C. 102(b) as being anticipated by Herrick (US Pat. 4,998,187).

In regard to Claims 1-7, 12-13, 19-20, 24-25, Herrick discloses in Fig's 1 and 1A a light support with a base plate 12 with a concave or curved (Col. 2, Line 51) support mounting face 16 for co acting with the hood (helmet) surface and three anchoring elements which are tapered (Col. 2, Line 56) in which both base plate surface and anchoring elements span the same surface 52 and each anchor element extends from the center of the base plate having apertures 58 for accommodating a fastening element 54 (Col 3, Lines 29-32). Furthermore, a lamp holder or light carrying plate 10 for receiving a lamp 28 is hingedly mounted at it's proximal end to a pair of spaced apart members (46a & 46b) at one end of the plate 10 which has a, which is opposite to one anchoring element. The light carrying plate 10 has light carrying elements or strap members 30 for holding the lamp 28 (Col 3, Lines 10-13).

In regard to Claim 17, Herrick discloses in Figure 5 that an additional or means such as VELCRO for attaching the light support to a helmet or hood (Col 3, Lines 49-53) is possible as well as other additional means such as *adhesives* and conventional snap in devices (Col. 3, Lines 58-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-10, 14,18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick in view Ciesiun (US Pat. 6,618,906).

In regard to Claim 8, while Herrick discloses all of the claimed elements as recited in Claim 4 as stated in the above rejection but does not explicitly recite a cylindrical body portion which is pivotally mounted to base plate, however it is generally obvious to one of ordinary skill that a hinge is notoriously known to comprise a cylindrical element, therefore it would be generally obvious to one of ordinary skill to have a cylindrical member as part of the light plate element which is connected to the base plate 12 of Herrick.

In regard to Claims 9-10, Herrick does not disclose a cylindrical body portion with a series of ridges on the outer surface thereof disposed on the proximal end of the light carrying plate or a rib disposed at the proximal end receiving portion for interfering or engaging with the ridges of the cylindrical body.

Regarding Claims 9-10, Ciesiun discloses in Figure 1, a device for securing a lighting apparatus to a mask wherein a hinge portion has a series of ridges 28 upon the cylindrical portion 24 for minimizing movement of the lighting apparatus during use (Col 3, Lines 33-36) that engages with a cooperating portion of the lighting apparatus (Col 3, Lines 34-36) which would be obvious to one of ordinary skill to include a rib like protrusion to interfere with the ridges. Furthermore, the shifting in position of the ridges 28 from the cylindrical receiving portion of Ciesiun to the cylindrical body 19 of the pivotal member of Dugmore in view Herrick does not modify the operation of the device and is therefore considered obvious see *In re Japikse*, 181 F.2d 1019. Therefore, it would be obvious to one of ordinary skill to modify the cylindrical body 19B of Dugmore in view of Herrick with the surface defined ridges 28 of Ciesiun and a rib like member on the proximal end receiving portion 14 of Dugmore in view of Herrick in order to minimize movement of the lighting apparatus during use.

Regarding Claims 14 & 18, Herrick does not disclose a strap member-receiving aperture disposed on the base plate 12 or surface mounting face,

Regarding Claims 14 & 18 Ciesiun discloses in Figure 1 a strap receiving aperture 20 for mounting a lamp to a paintball mask which is disposed upon the base member 12. It would be obvious to modify the teachings of Herrick by



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adding a belt receiving aperture in order to have a light support that could be easily attached or detached without having to remove fasteners in order to detach the light support. Therefore it would be obvious to one of ordinary skill to modify the light support of Herrick with the belt strap apertures of Ciesiun because it would provide for a support that could be easily attached or detached from a helmet or hood.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick as applied to claim 1 above, and further in view of Diau.

In regard to Claim 1, Herrick discloses in Fig's 1 and 1A a light support with a base plate 12 with a mounting face 16 for co acting with the hood (helmet) surface and three anchoring elements (Col. 2, Line 56) in which both base plate surface and anchoring elements span the same surface 52 and each anchor element extends from the center of the base plate having apertures 58 for accommodating a fastening element 54 (Col 3, Lines 29-32). Furthermore, a lamp holder or light carrying plate 10 for receiving a lamp 28 is hingedly mounted at its proximal end to the base plate 12.

Regarding Claim 15, Herrick fails to disclose a magnetic element on the surface mounting face.

Diau discloses a working light where a magnetic material 4 is located on the mounting face as an easily detachable securing means.

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Therefore it would be obvious to modify the surface mounting face of Herrick with the magnetic material 4 of Diau so as to provide an easily detachable securing means.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick as applied to claim 1 above, and further in view of Allen.

Herrick fails to disclose a light support as recited in Claim 1 wherein the surface mounting face comprises a suction element.

Allen discloses a portable light with a base plate and a suction cup 22 so the portable light can be easily attached to smooth surfaces, such as a car window (Col 3, Lines 22-25).

Therefore it would be obvious to modify the surface mounting face of Herrick with the suction element of Allen so that the light support can be mounted to smooth surfaces such as car windows.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable under 35 U.S.C. 103(a) over Herrick as applied to Claim 1, and further in view of Yu (US Pat. 6,877,875).

In regard to Claim 1, Herrick discloses in Fig's 1 and 1A a light support with a base plate 12 with a mounting face 16 for co acting with the hood (helmet) surface and three anchoring elements (Col. 2, Line 56) in which both base plate surface and anchoring elements span the same surface 52 and each anchor element extends from the center of the base plate having apertures 58 for

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accommodating a fastening element 54 (Col 3, Lines 29-32). Furthermore, a lamp holder or light carrying plate 10 for receiving a lamp 28 is hingedly mounted at its proximal end to the base plate 12.

Regarding Claim 21, Herrick does not disclose a light support where the support mounting face comprises a pad member,

Regarding Claim 21, Yu discloses a foam pad 22 in Figure 2, which is generally known by one of ordinary skill to provide an acceptable level of comfort to the user when a head worn apparatus is used. Furthermore, it would be generally obvious to one of ordinary skill to have a compressible pad member or gasket on the surface mounting face of Herrick in order to provide for a waterproof seal to prohibit water from leaking into the helmet and for reducing shock to the light holder of Herrick. Therefore, it would be obvious to one of ordinary skill in the art to modify the head worn light support of Herrick with the pad member of Yu in order to provide an acceptable level of comfort to the user as well as have a sealed waterproof joint and reduce shock to the light holder.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick as applied to Claim 1 and further in view of Mosquera (US Pat. 5,893,630). Herrick discloses all of the elements recited in Claim 1 except for a light plate receiving plate opposite the support-mounting face where the light carrying plate is movable towards and away from the light plate-receiving face.

Regarding Claim 22, Mosquera discloses in Figures 1-3 a flashlight holding and positioning device where the light holding plate 12 engages with the

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light plate receiving surface of the base 10 when the apparatus is in the closed position and the light holding plate pivots away from the plate receiving surface. Therefore, It would be generally obvious to one of ordinary skill in the art to have a surface, which engages or receives the light holding plate in order to better secure the light holding plate to prevent any lateral movement of the light holding plate.

Claim 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick in view of Mosquera as applied to Claim 22 and further in view of Dugmore.

Regarding Claim 23 Herrick fails to disclose a light support as recited in Claim 22 where the light receiving face comprises a pair of finger members for snugly fitting said light carrying plate to the light receiving face.

Regarding Claim 23, Dugmore discloses in Fig 1, a pair of u-shaped notches or fingers (46 & 48) for mechanically securing another plate that has a light attached thereto in order to prevent any unwanted movement of the light holding plate 16 due to vibration or excessive movement by the user. Therefore, it would be obvious to one of ordinary skill in the art to combine the teachings of Dugmore and Mosquera with the light support of Herrick in order to secure the light holding plate in place and prevent any unwanted movement due to vibrations or excessive movement by the user.

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Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick as applied to Claim 1 and further in view of Allen (US Pat. 3,936,670).

In regard to Claim 1, Herrick discloses in Fig's 1 and 1A a light support with a base plate 12 with a mounting face 16 for co acting with the hood (helmet) surface and three anchoring elements (Col. 2, Line 56) in which both base plate surface and anchoring elements span the same surface 52 and each anchor element extends from the center of the base plate having apertures 58 for accommodating a fastening element 54 (Col 3, Lines 29-32). Furthermore, a lamp holder or light carrying plate 10 for receiving a lamp 28 is hingedly mounted at its proximal end to the base plate 12.

Regarding Claims 26-27, Herrick fails to disclose a suction element disposed on surface mounting face, but does disclose other equivalent attaching means may be used to attach the base member (Col. 3, Lines 57-60)

Allen discloses a suction element 22 in Figs. 1-2 that is versatile enough to be used in a variety of ways (Abstract) and it is generally obvious to one of ordinary skill that the suction element would enable the easy and fast attachment and detachment of the lighting support to any flat surface. The office construes the suction element to be an anti tipping assembly, which would prevent the light support from tipping over when suction is engaged. Therefore, it would be obvious to one of ordinary skill to modify the teachings of Herrick by adding a suction element as disclosed by Allen to enable an anti-tipping characteristic as

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well as provide a means for easily attaching and detaching the light support from a horizontal surface.

Claims 31,35,37,52-57,61-62,64-68,70,72, & 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugmore in view of Herrick.

Regarding Claim 31,35, & 37, 52-55, 68, & 72 Dugmore discloses in Figure 1, a base plate 16, comprising an anchoring element 58 being an aperture, a surface mounting face that co-acts with the face 59 or surface of an auxiliary bracket 18 referred to as a forehead plate comprising a strap-receiving apertures 72 and a concave surface for co-acting with one's forehead (Col 4, Lines 30-31), a bracket 19 which is hingedly mounted (Col 3, Lines 39-42) to the base plate 16 wherein the proximal end of the bracket 19 includes an aperture (not labeled) for receiving a pivoting member 22.

Regarding Claim 56, Dugmore discloses in Figure 1, a pair of spaced apart pivot member receiving elements 20 attached to the base plate, via the threaded attachment of the hinge assembly, for pivotally mounting the pivot member 19 at each longitudinal end of the pivot member 19 to each of the two receiving elements 20.

Regarding Claim 57, Dugmore discloses in Figure 1, the pivot member proximal end as having a curved cylindrical body 19B that is pivotable about a longitudinal axis defined thereby.

Regarding Claim 61, Dugmore discloses in Figure 1, an aperture 58 in the base for receiving a fastener.

Regarding Claim 62, Dugmore fails to disclose the surface mounting face comprises an apertures 48 that can have a strap inserted. Furthermore, since the applicant is using functional language (i.e. "adapted to"), the functional language does not limit the claim See *In re Hutchison* 69 USPQ 13.

Regarding Claim 64, Dugmore discloses in Figure 3B, a suction element 86 for attaching the light to car windows (Col 4, Lines 42-47). Although Dugmore does not disclose the suction element as being attached to the surface mounting face of the base 16, Claim 64 is considered obvious over Dugmore in view of Herrick because the rearrangement of the suction element of Dugmore to the base plate 16 would not alter the function of the device see *In re Japikse*, 181 F.2d 1019.

Regarding Claim 65, Dugmore fails to disclose the surface mounting face as comprising an adhesive material.

Regarding Claim 65, Herrick discloses in Figure 5 using an adhesive material for attaching the base member 12 to the hood or helmet of a user (Col 3, lines 58-60) which well known alternative as an attachment means for most mechanical attachments. Therefore, it would be obvious to use adhesives for attaching the base plate 16 of Dugmore to a surface because it is well known in the art to use adhesives as a mechanical attachment means.

Regarding Claim 66, Dugmore discloses in Figure 1, the bracket 19 as having a light mounting face 19A, which is contact with the flashlight.

Regarding Claim 67, Dugmore fails to disclose a light-mounting element on the light mounting face.

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Regarding Claim 67, Herrick discloses a light-mounting element 30 in Figure 6 being a strap for securing the flashlight to the light mounting face. Therefore it would be obvious to one of ordinary skill to modify the light apparatus of Dugmore by putting the light mounting element of Herrick on the light mounting face to secure the flashlight to the light mounting face.

Regarding Claim 70, Dugmore discloses the anchoring element or aperture 58 spans the same face as the surface mounting face as shown in Figure 1.

Regarding Claim 75, Dugmore discloses in figure 1, the surface mounting face of the base plate 16 as spanning a common surface 59 defined by the anchoring element 58 and auxiliary element 18.

Regarding Claims 31, 52, Dugmore fails to disclose a light carrying plate comprising a proximal end mounted to the base plate and adapted for mounting a light thereon, but instead discloses a bracket.

Regarding Claims 31, 52, Herrick discloses in Figure 1, a pair of support plates (24 and 26) adapted for carrying a light which is an alternative way of configuring the bracket that would be cost effective in manufacturing because it would require sampling bending a plate into an approximate V-shape for holding the light instead of machining or molding a curved bracket as shown by Dugmore. Therefore, it would be obvious to one of ordinary skill to modify the bracket 19 of Dugmore with the plates (24,26) of Herrick as an alternative way of fabricating a mounting bracket, which is cost effective to manufacture.



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Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugmore in view of Herrick as applied to claim 57 above, and further in view of Ciesiun.

Regarding Claims 58-59, Dugmore in view of Herrick discloses all of the claim limitations recited by Claim 57 as described above, but fails to disclose a cylindrical body portion of the pivotal member having an outer surface defining a series of longitudinal ridges nor a rib on the proximal end receiving portion for interfering with the longitudinal ridges.

Regarding Claims 58-59, Ciesiun discloses in Figure 1, a device for securing a lighting apparatus to a mask wherein a hinge portion has a series of ridges 28 upon the cylindrical portion 24 for minimizing movement of the lighting apparatus during use (Col 3, Lines 33-36) that engages with a cooperating portion of the lighting apparatus (Col 3, Lines 34-36) which would be obvious to one of ordinary skill to include a rib like protrusion to interfere with the ridges. Furthermore, the shifting in position of the ridges 28 from the cylindrical receiving portion of Ciesiun to the cylindrical body 19 of the pivotal member of Dugmore in view Herrick does not modify the operation of the device and is therefore considered obvious see *In re Japikse*, 181 F.2d 1019. Therefore, it would be obvious to one of ordinary skill to modify the cylindrical body 19B of Dugmore in view of Herrick with the surface defined ridges 28 of Ciesiun and a rib like member on the proximal end receiving portion 14 of Dugmore in view of Herrick in order to minimize movement of the lighting apparatus during use.

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Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dugmore in view of Herrick as applied to claim 52 above, and further in view of Diau.

Regarding Claim 63, Dugmore in view of Herrick discloses all of the recited elements of Claim 52 as stated in the above rejection, but fails to disclose the surface mounting face as comprising a magnet.

Regarding Claim 63, Diau discloses in Figure 2, two magnets 4 on the surface mounting face for having a removable attaching means for attaching the light to ferrous surfaces such as refrigerators or workbenches. Therefore, it would be obvious to one of ordinary skill in the art to modify the multi use light support of Dugmore in view of Herrick with the two magnets of Diau in order to have a removable attaching means for attaching the light to ferrous surfaces such as refrigerators or workbenches.

#### ***Allowable Subject Matter***

Claims 84-89,91-95,97-109,111-138 are allowed.

Claims 11,28-30,32,60,69,71, & 73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

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Regarding Claims 84-92, the prior art does not teach or suggest the light support as recited in Claim 84 wherein the base plate comprises an anti-tipping assembly together with an anchoring element for resisting the light support tipping over as the light support lies on a generally horizontal surface.

Regarding Claims 93—94, the prior art does not teach or suggest a light support as recited in Claim 93 wherein the anti-tipping assembly comprises at least one leg mounted to said base plate.

Regarding Claims 95 & 97-109, the prior art does not teach or suggest a light support wherein the auxiliary element as recited in Claim 95 is *movably* mounted to the base plate.

Regarding Claims 111-117, the prior art does not teach or suggest a light support as recited in Claim 111, wherein the base plate comprises an anchoring element extending from one side of said base plate and the anti tipping assembly mounted to an opposite side of said base plate.

Regarding Claims 118, the prior art does not teach or suggest a light support as recited in Claim 118 wherein the anti tipping assembly is pivotally mounted to said base plate.

Regarding Claims 119-138, the prior art does not teach or suggest a light support as recited by Claim 119 wherein the anchoring element extends from one side of said base plate and the auxiliary element extends from an opposite side of said base plate.

Regarding Claim 11, the prior art does not teach or suggest a notch adjacent the rib as recited in Claim 10.

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In regard to Claims 28-30, the prior art does not teach or suggest a light support with a pivotally mounted anti tipping members which are leg members and positioned at an opposite side of the base plate relative to the anchoring element and where the auxiliary element is an anchoring element.

Regarding Claim 32, the prior art does not teach the light support as recited by Claim 31 wherein the surface mounting face spans a common face *defined* by the base plate, anchoring element and auxiliary element.

Regarding Claim 60, the prior art does not teach or suggest the proximal end-receiving portion comprising *a notch* adjacent to said rib.

Regarding Claim 69, the prior art does not teach or suggest the light support according to Claim 68 wherein the anchoring element extends from one side of the base plate and the light carrying plate mounted near an opposite side of said base plate.

Regarding Claim 71, the prior art does not teach a light support as recited in Claim 68 wherein the anchoring element is tapered.

Regarding Claim 73, the prior art does not teach a light support as recited in Claim 68 wherein the anchoring element comprises strap receiving apertures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Galli (US Pat 6,923,551) discloses a flashlight mounting system including auxiliary mounting elements with a pivotally attached light plate.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

1/30/2006



**JOHN ANTHONY WARF**  
**PRIMARY EXAMINER**